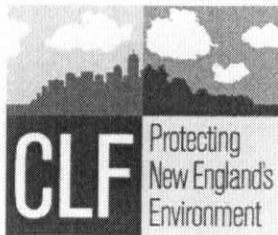


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- **Conservation Law Foundation**



## CONSERVATION LAW FOUNDATION

April 1, 2010

Susan Lessard, Chair  
c/o Terry Hanson  
Maine Board of Environmental Protection  
17 State House Station  
Augusta, ME 04330-0017

**Re: Calais LNG Import Terminal and Pipeline Project**

Dear Chair Lessard:

Enclosed please find the Motion to Intervene of Conservation Law Foundation regarding the above-referenced proceeding. Thank you for your consideration.

Very truly yours,

Sean Mahoney  
Vice President and Director  
Maine Advocacy Center

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55 Dorrance Street, Providence, RI 02903-2221 Phone: 401-351-1102 Fax: 401-351-1130  
15 East State Street, Suite 4, Montpelier, VT 05602 Phone: 802-223-5992 Fax: 802-223-0060

STATE OF MAINE  
BOARD OF ENVIRONMENTAL PROTECTION

Calais Pipeline Company, LLC	)
Calais LNG Project Company, LLC	)
Applications for Liquefied Natural Gas	)
Terminal in Calais, Maine	)

PETITION FOR LEAVE TO INTERVENE OF  
CONSERVATION LAW FOUNDATION

**I. Introduction**

Pursuant to 5 M.R.S.A. § 9054(1) and 06-096 CMR 30(5)(A), the Conservation Law Foundation (“CLF”) petitions the Board of Environmental Protection for leave to intervene in these proceedings concerning the applications filed by the Calais LNG Project Company LLC and Calais Pipeline Company, LLC (“CLNG”) that this Board assumed jurisdiction over on March 18, 2010.

The construction and operation of the liquefied natural gas import terminal and pipeline project that CLNG proposes will have significant adverse impacts on not just the water, air, land and marine resources of the project’s footprint but on Passamaquoddy Bay as a whole. CLF has a strong interest in ensuring that these impacts are thoroughly identified and considered by the Board as it determines whether or not to approve the applications submitted by CLNG. CLF believes that after such an evaluation, the Board should deny those applications.

**II. Standard of Review**

Pursuant to Chapter 30(5)(A)(1)(a-c), a petition for leave to intervene shall be granted if it demonstrates:

- (a) that the petitioner has a direct and substantial interest which may be affected by the proceedings;
- (b) that the petitioner has reasonably specific contentions regarding the subject matter of the hearing and the appropriate statutory criteria; and
- (c) that the petitioner is prepared and capable of participation in the hearing in order to support such contentions.

As set forth below, and as the Board has found with respect to prior CLF petitions for leave to intervene in similar circumstances, CLF can make each of the demonstrations necessary to intervene and become a party to this proceeding.

#### **A. Direct and Substantial Interest**

Founded in 1966, CLF is New England's oldest environmental advocacy organization. For the last four decades, CLF has addressed the environmental issues that threaten the people, communities and natural resources of Maine and New England. CLF's members in Maine have a long standing interest in, and commitment to, protecting, restoring and enhancing Maine's natural resources. In the past, CLF has appeared in numerous proceedings before this Board in connection with permit applications, license and permit appeals, and rulemaking proceedings. By way of example, CLF has intervened in Board proceedings for wastewater permit applications for finfish aquaculture operations and pulp and paper mills, Site Law and NRPA permit applications for a variety of marine development projects and air emission license applications for New England's largest cement manufacturer.

CLF has a direct and fundamental interest in this proceeding due to the adverse impacts this project will have on natural resources and the fundamental and permanent transformation such an industrial development of this scale will have on Passamaquoddy

Bay. Although we have not had the time for a comprehensive review of CLNG's applications, our review to date indicates that the project will include adverse affects to freshwater wetlands, coastal wetlands, rocky intertidal habitat, stream crossings, marine habitat, significant wildlife habitat, including deer wintering areas, and inland wading and waterfowl habitat. The project will also have significant adverse impacts on the ecology and values of land that has been conserved through the use of public funds, such as Devil's Head and St. Croix Island. Furthermore, the project will adversely impact existing uses such as commercial fishing, recreational activities, including fishing, kayaking and sailing, and tourist related activities.

All of these impacts are of direct and substantial interest to CLF and its members. CLF's members use and value the resources upon which this project will have significant and lasting impacts. In addition, CLF has consistently called for this Board and other reviewing agencies to consider whether such large energy infrastructure projects that will last for decades are not only consistent with Maine's statutory goals of decreasing our reliance on foreign sources of oil and gas and developing renewable, indigenous energy sources but also necessary to actually meet the needs of Maine and New England.

These proceedings will evaluate those impacts in order to decide whether the applicant has met its burden of proof under the relevant statutes and thus will directly and significantly affect the interests of CLF and its members.

**B. Specific contentions regarding the subject matter and appropriate statutory criteria**

As noted above, the CLNG project will have significant adverse impacts on natural resources both in and outside of the actual footprint of the proposed LNG terminal and pipeline. In addition to the construction and operation of the terminal and send out

pipeline, the delivery of LNG by tankers through Passamaquoddy Bay and the necessary expansion of the Maritimes & Northeast pipeline to ship any gas from the CLNG facility to the relevant load centers in New England will have a significant and lasting impact on Maine's environment and natural resources.

The statutes and regulations under which CLNG seeks permits from the Board – the Site Location of Development Act, 38 M.R.S.A. §§ 481-490, the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A – 480-HH, the Waste Discharge Laws, 38 M.R.S.A. §413, and the Protection and Improvement of Air Laws, 38 M.R.S.A. §§ 581-610 - contain specific standards and requirements that must be met to obtain the respective permits. CLF is familiar with each of these statutes and will contend in these proceedings that CLNG can not meet its burden of satisfying many of the relevant standards and requirements.<sup>1</sup>

**C. CLF is prepared and capable of participation in the hearing to support its contentions**

As noted above, CLF has experience in participating in administrative hearings before the Board, as well as other state administrative agencies, such as the Public Utilities Commission, the Land Use Regulatory Commission, the Department of Inland Fisheries & Wildlife and the Department of Marine Resources. CLF advocates in this proceeding have, combined, 30 years of legal experience and will efficiently and concisely support the contentions raised herein.

Moreover, CLF has a relatively long history with, and thorough knowledge of, the role of natural gas in meeting energy needs in Maine and New England. In its submittals,

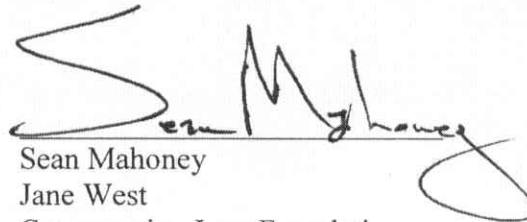
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<sup>1</sup> If this petition is granted and if the Board follows past procedure, at the first pre-hearing conference in this proceeding CLF will set forth the specific issues it intends to present evidence on at the hearing in this proceeding, with reference to the statutory and/or regulatory criteria to which the evidence pertains.

representations to the Board and public pronouncements, CLNG has made the need for a new source of natural gas in Maine and the Northeast a central part of its applications and thus a central issue for the Board to consider in weighing the impacts of this proposed industrial development on the environment. CLF is well positioned to present evidence for the Board's consideration as to whether, in light of current and projected levels of demand and supply for natural gas and the environmental impacts associated with this project, the project is or is not necessary and whether its applications do or do not meet the applicable permit and license requirements.

WHEREFORE, the Conservation Law Foundation respectfully petitions the Board for leave to intervene and become a party to these proceedings pursuant to M.R.S.A. § 9054(1) and 06-096 CMR 30(5)(A).

April 1, 2010

A handwritten signature in black ink, appearing to read "Sean Mahoney", is written over a horizontal line.

Sean Mahoney  
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